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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,274	02/21/2002	Ken Masumitsu	JP920000471US1	9785
48062	7590	12/26/2007	EXAMINER	
RYAN, MASON & LEWIS, LLP			AUSTIN, SHELTON W	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/081,274	MASUMITSU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shelton Austin	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 September 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed 09/10/2007 have been fully considered but they are not persuasive.

In response to Applicants' argument (page 8, last paragraph-page 9, first paragraph) that Abecassis "does not disclose or suggest that the scores are assigned automatically" and "Independent claim 1 requires *wherein the digest server converts the meta data into characteristic values, wherein the digest server calculates an importance level* for each of a plurality of content segments", the applicants should note that the features upon which applicant relies (i.e. the limitation of "automatically" assigning the scores) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Abecassis teaches "the video map could...provide information which may be utilized to assess the relative importance of segments" (col. 56, lines 49-54), where "[t]he video map's data is provided with the video's video and audio data" (col. 16, lines 35-37), therefore the video digest "automatically" assigns the importance level before the data is delivered to the client.

In response to Applicants' argument (page 9, last paragraph—age 10, first paragraph) that "the video map disclosed by Abecassis is *not a video digest*, as defined in the context of the present invention (see, Fig. 9 and the associated text of the present disclosure)", the applicants should again note that the features upon which applicant

relies (i.e. Fig. 9 and the associated text of the present disclosure) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, the video digest as suggested by the claims reads on the video map of Abecassis. For example, Abecassis teaches a video digest comprising multiple scenes (col. 5, lines 8-10; col. 20, lines 1-6; col. 21, lines 32-45—video map comprises various "segment" combinations, where a "segment" refers to a part of the video whether one or a plurality of frames, i.e. "multiple scenes" or chapters), sorted along a time axis (Fig. 6A—Scenes 1-5 with corresponding segments and frames; Fig. 6E—654, 655, Scene 3, Scene 4, etc.; col. 21, lines 22-45), that constitute content that effects the video digest time length (col. 57, lines 7-24), and meta data included in each of the scenes (FIGS. 5A-5E; col. 16, line 19-col. 19, line 62).

Therefore, the rejections of claims 1-19 are maintained.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Abecassis (US 6,408,128).

Regarding claim 1, Abecassis discloses a content digest system comprising:  
a content provider comprising content, wherein the content provider furnishes content and meta data describing the content to a digest server (FIGS. 4-5; col. 2, lines 23-27; col. 11, line 60-col. 12, line 1; col. 16, lines 19-25);  
the digest server comprising a content digest for the content, wherein the digest server converts the meta data into characteristic values (col. 19, lines 35-55), wherein the digest server calculates an importance level for each of a plurality of content segments (col. 56, lines 49- 54), wherein each of the plurality of content segments correspond to at least one of the characteristic values (col. 19, lines 35-55), and wherein the digest server generates the content digest by using the importance levels, the content digest comprising at least one of the content segments (col. 16, lines 26-36; col. 21, lines 31-45); and

a client, wherein the client receives the content digest (col. 28, lines 4-21, col. 39, lines 6-12).

Regarding claim 2, Abecassis teaches wherein the digest server uses determined content scores, which correspond to characteristic values, for each of the content segments to determine the importance levels (FIGS. 5A-5E; col. 16, lines 19-25; col. 18, lines 47-53).

Regarding claim 3, wherein the digest server determines a current determined content score for a current content segment based on determined content scores for similar content segments, the similar content segments determined through a measure comparing frequencies of a plurality of characteristic values for the current content segment with frequencies of a plurality of characteristic values for previously shown content segments is further met by teachings of Graves et al., US 5,410,344, which is incorporated by reference in Abecassis at col. 40, line 9 (Graves et al.: col. 6, lines 26-34; col. 8, lines 57-64; and col. 9, lines 4-34).

Regarding claim 4, wherein the client includes a user profile having user profile content scores for at least one viewed content segment for a user (reads on discussions in both Graves et al. at col. 9, lines 13-22 and Abecassis at col. 5, lines 26-34), and wherein the digest server calculates importance levels for the at least one viewed content segment based on a probability and based on the current determined content

score for the at least one viewed content segment, a user profile content score for the at least one viewed content segment, or both the current determined content score and the user profile content score (reads on teachings in both Graves et al. at col. 6, lines 26-34; col. 9, lines 4-34 and Abecassis at col. 42, lines 49-61), wherein the probability is determined from at least one of a plurality of frequencies, each of the frequencies indicating how often a characteristic value occurs in the content segment (reads on discussions in both Graves et al at col. 8, lines 57-64 and Abecassis at col. 35, lines 6-24).

Regarding claim 5, Abecassis teaches a content digest system, for preparing a predetermined digest for content provided by a content provider and for providing the predetermined digest, comprising: importance level estimation means (assessing of relative importance of segments), for estimating an importance level for each of a plurality of content segments (reads on discussion of Abecassis at col. 56, lines 49-54 and see also teachings of Graves et al. at col. 6, lines 26-34; col. 9, lines 4034); profile identification means (analyzing user preference) for identifying the user profile of a user who has received content (Abecassis: col. 41, 8-22; col. 58, lines 45-51); and update means (updating routines) for updating, based on the user profile, the importance level of at least one of the plurality of content segments (reads on discussions in both Abecassis at col. 39, lines 7-12 and Graves et al. at col. 6, lines 60-62; col. 7, lines 37-54; col. 9, lines 13-22).

Regarding claim 6, see claim analysis of claim 3.

Regarding claim 7, see claim analysis of claim 4.

Regarding claim 8, Abecassis teaches the claimed video digest system for providing a video digest for a user comprising: a meta data characteristic value database adapted to store characteristic values obtained from meta data included in video content (Abecassis: col. 2, lines 23-27; col. 19, lines 35-55); an importance level calculator adapted to estimate an importance level for each of a plurality of scenes in the video content, and adapted to determine the importance level for a scene based on a determined content score for the scene (reads on disclosures in both Abecassis at col. 56, lines 49-54 and Graves et al. at col. 4, lines 28-35; col. 6, lines 26-34; col. 9, lines 4-34), a user profile content score for the scene, or both the determined content score and the user profile content score; and a video digest data generator, for selecting, based on the importance levels, a predetermined number of scenes, for sorting the selected scenes along the time axis, and for generating video digest data (reads on teachings in both Abecassis at col. 19, lines 5-22; col. 24, lines 24-35; col. 71, line 63 through col. 72, line 11 and Graves et al. at col. 4, lines 22-51).

Regarding claim 9, see claim analysis of claim 3.

Regarding claim 10, see claim analysis of claim 4.

Regarding claim 11, Abecassis teaches wherein the video digest data generator defines a threshold value based on the length of the time required for a video digest and sorts along a time axis the scenes that are selected based on the importance levels and the threshold value, and thereby provides a video digest (reads on teachings in both Abecassis at col. 57, lines 7-13; col. 72, lines 1-11 and Graves et al. at col. 5, lines 17-18; col. 8, lines 12-19.

Regarding claims 12-13, Abecassis teaches the claimed user terminal comprising: pre-viewing transmission means (previewer), for transmitting information for predetermined content that is selected by a user from a received content list (Abecassis: col. 2, line 42-48), and in accordance with a video digest time length desired by the user (Abecassis: col. 57, lines 7-24); reception means (user-interfacing), for receiving, following the reception of the information and the time length, a video digest and meta data from a content provider (Abecassis: col. 16, lines 26-36; col. 21, lines 31-45); and post-viewing transmission means (updating) for transmitting results that are obtained from the user who has viewed and listened to the video digest (Graves et al.: col. 6, lines 60-62; col. 7, lines 37-54; col. 9, lines 13-22).

Regarding claim 14, Abecassis teaches the claimed video digest generation method comprising the steps of: using a characteristic value for meta data to represent each of multiple scenes that constitute content, wherein each scene corresponds to at

least one characteristic value (Abecassis: col. 2, lines 23-27; col. 19, lines 35-55); calculating frequencies, each frequency indicating how many times a characteristic value of the meta data appears in the content (reads on teachings in both Abecassis at col. 35, lines 6-24 and Graves et al. at col. 8, lines 57-64); calculating a video importance level for each scene based on a probability and based on a determined content score for the scene, a user profile content score for the scene, or both the determined content score and the user profile content score, wherein the probability is determined from at least one of the frequencies (reads on discussions in both Graves et al. at col. 6, lines 26-34; col. 9, lines 4-34 and Abecassis at col. 56, lines 48-54); selecting a predetermined number of scenes, based on the obtained video importance level (Abecassis: col. 16, lines 28-36 and FIG. 5A-5E); and generating a video digest from the predetermined number of scenes (Abecassis: col. 21, lines 32-45 and FIG. 7G for summary of desired program).

Regarding claim 15, see claim analysis of claim 3.

Regarding claim 16, Abecassis teaches the claimed video digest generation method, wherein the determined content scores are based on user profiles obtained for multiple users who have viewed and listened to the video digest (Abecassis: col. 24, lines 51-59).

Regarding claim 17, Abecassis teaches the claimed video digest generation method, wherein the video digest is generated by selecting a predetermined number of scenes based on a video digest time length received from a user to whom the video digest is to be distributed (Abecassis: col. 57, lines 7-24).

Regarding claim 18, Abecassis teaches the claimed video digest reception method comprising the steps of: transmitting a user profile that includes information for content desired by a user, information for a video digest time length for viewing and listening (Abecassis: col. 57, lines 7-24); and receiving a video digest comprising multiple scenes, sorted along a time axis, that constitute content that reflects the video digest time length, and meta data included in each of the scenes (Abecassis: col. 21, lines 32-45; col. 57, lines 7-24).

Regarding claim 19, Abecassis teaches the claimed step of transmitting information that is obtained from the user as a result of viewing and listening to the video digest (reads on discussions in both Abecassis at col. 42, lines 49-61 and also Graves et al. at col. 6, lines 60-62; col. 7, lines 37-54; col. 9, lines 13-22).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelton Austin whose telephone number is (571) 272-9385. The examiner can normally be reached on Monday through Thursday from 8:00-5:30. The examiner can also be reached on Fridays from 9:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant, whose telephone number is (571) 272-7294, can be reached on Monday through Friday from 7:30-5:00. The supervisor can also be reached on alternate Fridays from 9:00-4:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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